

Investigation Report No. 67-71/2561 (2018)

The complaint that the Orders of Head of the National Council for Peace and Order No. 3/2559 and No. 4/2559 regarding the exemption from enforcement of laws and ministerial regulations on city planning and building control in the area of Special Economic Zones and for certain types of business are in violation of human rights.

Background

Forty-four complainants, from civic network group that studies and participates in the protection of community rights and the environment, claim to have been affected by the National Council for Peace and Order's approval to issue the Order of Head of the NCPO No. 3/2559 dated January 20, 2016 on the exemption of the Special Economic Zone from enforcement of the laws on city planning and building control, and the Order of Head of the NCPO No. 4/2559 dated January 20, 2559 on the exemption of certain types of business operations from enforcement of ministerial regulations on comprehensive city planning. The complainants claim that the Orders affect community rights, in terms of environmental protection, health and peace of communities, right to work farmland, right to adequate housing and right to livelihood, since both orders disregard public participation, lack environmental impact assessment in the area and allow for businesses that may unnecessarily be harmful to the environment and public health. The complainants view that in addressing problems and obstacles related to city planning in the development of economic areas, the government should improve the process of city planning and amend law which is obstacles instead of wielding state's power mechanism which destroy the confidence of foreign countries.

Measures/resolutions:

1. The Cabinet and the Ministry of Interior should reform the system of city planning to comply with the Constitution of the Kingdom of Thailand B.E. 2560 (2017). Any legislation to implement the establishment of special economic zones according to the Order of Head of the National Council for Peace and Order No. 3/2559 should take into account public participation, the decentralization of city planning authority to provinces and local administrative organizations, as well as the right to self-determination in development which is based on the principle of the right to participate in, support to and benefit from the development of economy, society, culture and politics.

2. The Cabinet should instruct relevant agencies with duties and authorities regarding the permission to operate certain types of business according to the Order of Head of the National Council for Peace and Order No. 4/2559 to consider enforcing the design of the development plan and land use classification in accordance with the principles of city planning as much as possible.